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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

IN THE MATTER OF)

Chamberlain Manufacturing)
Corporation, Collis Division)
Clinton, Iowa)

Respondent)

Proceedings under §3013 of the)
Resource Conservation and Recovery)
Act, 42 U.S.C. 6934)

Docket No. 81-H-017

AGREED FINDINGS AND
ORDER ON CONSENT

The following Findings and Order have been reviewed by all parties, are hereby agreed to by the United States Environmental Protection Agency (EPA) and Chamberlain Manufacturing Corporation, Collis Division, Clinton, Iowa (Collis) and ordered pursuant to the authority vested in the EPA by §3013 of the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6934.

FINDINGS

1. Chamberlain Manufacturing Corporation was incorporated in the State of Iowa on July 30, 1954, and is a corporation in good standing in Iowa. Collis Division is located at 2005 South Nineteenth Street, Clinton, Clinton County, Iowa (site) and has been in the business of manufacturing lightweight metal shelves which are used in refrigerators.

2. The manufacturing plant and the other facilities on the site are located approximately one mile from the Mississippi River. Manufacturer's Ditch is adjacent to the site and drains into Mill Creek, which is a tributary of the Mississippi River.

3. During the course of manufacturing operations, Collis has generated hazardous waste including zinc cyanide waste and chromium waste and other wastes as defined in §1004 of RCRA which are characteristic of the plating industry. These wastes have been treated, stored, or disposed of in tanks, 55-gallon drums and other containers and in surface impoundments.

4. Collis has generated these types of waste for 12 years. Over the years, there have been numerous spills and leaks from containers and equipment and overflows from the surface impoundments. Sludge has been observed in Manufacturer's Ditch.



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5. The surface impoundments on site did not previously and do not at this time have any type of liner nor any leachate collection system. The depth to groundwater is approximately five feet below the surface of the ground and the bottom of the impoundments is approximately 2 feet above the level of groundwater in the area. The soils are recent deposits of sand and silt of high to moderate permeability.

6. Personnel from EPA, including EPA contractors, and personnel from the Iowa Department of Environmental Quality (IDEQ), have conducted a series of inspections of the Collis site which have included field surveys, sampling and analysis, and review of records and other pertinent background information.

7. On the basis of findings from EPA's investigation and all other information available to EPA, the EPA has determined that the presence or release of hazardous waste as defined in §1004(5) of RCRA, 42 U.S.C. 6903(5) at the facility or site described herein, has given rise to or may present a substantial hazard to human health or the environment within the meaning of §3013 of RCRA, 42 U.S.C. 6934.

8. Under §3013 of RCRA, 42 U.S.C. 6934, the EPA has the authority to issue orders requiring the owner/operator of the site to conduct monitoring, testing, and analysis, the results of which shall be furnished by the owner/operator which will enable the EPA to ascertain the nature and extent of such hazard.

9. Officials of the Iowa Department of Environmental Quality have participated in or conducted site investigations and have been advised of previous EPA investigations at the site and have been given notice of the actions taken herein. The State has acknowledged that EPA has the primary lead with respect to investigation and corrective actions, if any, at the site.

10. Collis asserts that it has previously undertaken actions to abate existing environmental problems that have resulted from operations at the site. Collis further asserts that it will undertake a significant program and effort to assess the nature and extent of the contamination, if any, leaving the site.

ORDER

Collis shall, unless otherwise specified, comply with the following requirements for an environmental monitoring program in two phases. The activities to be accomplished during Phase II will be dependent in part upon receipt and evaluation of information provided in Phase I.

A. MINIMUM MONITORING, ANALYSIS AND REPORTING REQUIREMENTS

1. Phase I

Within 30 days of the effective date of this Order, Collis shall submit to the Environmental Protection Agency a plan for the hydrogeological investigation, monitoring, and analysis to be completed during Phase I. The Plan shall include but not be limited to paragraphs a through k infra.

a. Soil Borings - The plan shall provide for a sufficient number of soil borings extending from the ground surface to bedrock at various locations at the site to characterize the geology and to determine the extent of groundwater contamination. Undisturbed soil samples throughout the depth of each boring shall be obtained, analyzed and reported.

b. Shallow Monitoring Wells - During Phase I, a sufficient number of the borings shall be finished as shallow groundwater monitoring wells in order to determine the geology and the extent of groundwater contamination.

c. Groundwater Sampling - Groundwater samples shall be collected from each of the monitoring wells and analyzed for chemical contamination of the shallow groundwater. The portion of the plan dealing with monitoring well construction and groundwater sampling must specify the following:

- (1) Rationale for selection of the well location, and nesting of the wells, if necessary;
- (2) Drilling methods to be used;
- (3) Decontamination procedures;
- (4) Screen materials, including screen slot size and length;
- (5) Casing and backfill materials;
- (6) Methods used to prevent contamination of the aquifer(s);
- (7) Well survey to establish the well elevations;
- (8) Method for measuring groundwater level and determining water level elevations.

d. Soil Sampling - Surface soil samples shall be collected at selected locations near the lagoons and at all other locations on the site where chemical wastes were dumped or disposed. The portion of the plan dealing with surface soil sampling must specify the following:

- (1) The locations where soil samples will be collected;
- (2) The rationale for collecting soil samples at each location;
- (3) Recordation of physical appearance (color, visual description, odors, texture) of the soil prior to and after collection;
- (4) Recordation of whether or not surface water was present and a description of the surface water drainage patterns for the facility grounds with details particular to where soil samples are collected;
- (5) Sampling plan for each soil area sampled including:
 - (a) Dimensions (length, width, depth) of the soil sample collected; and
 - (b) Quantity of soil collected.

e. Surface Water Sampling - Surface water samples from the Manufacturer's Ditch shall be collected during Phase I. Samples shall be collected at both up and downstream locations. The portion of the plan dealing with surface water samples must specify the following:

- (1) The sample site locations;
- (2) The rationale for the selection of the locations;
- (3) The depth of the stream from which the water samples are collected; and
- (4) A description of the flow conditions in Manufacturer's Ditch at the time samples are collected.

f. Creek Sediment Samples - Sediment samples from the bed of Manufacturer's Ditch shall be collected from the same location in the Ditch where surface water samples are collected. The specifications set out in Nos. e(1) through e(4) for surface water sampling must also be addressed for sediment sampling.

g. Hydrogeologic Assessment - The information obtained from the soil borings and construction of the monitoring wells will be used to determine soil, rock and water table profiles. This information will be used by Collis to make a hydrogeologic assessment of the site to determine, at a minimum, the following:

(1) The need for installation of additional shallow groundwater monitoring wells to more completely describe contamination and movement of shallow groundwater;

(2) The potential risk to deeper groundwater beneath the site from contamination by the waste disposed by Collis;

(3) The proper locations, depths, and construction of any such additional shallow or deep groundwater monitoring wells.

h. For all samples collected, Collis shall specify the collection, storage, and management procedures.

i. For all samples collected, Collis shall specify the chain of custody procedures for all phases of sample management, including any forms which are used.

j. For all samples collected, Collis shall state the analytical parameters and the rationale for this selection.

k. For all samples collected, Collis shall specify the laboratory procedures to be used for sample analysis, including quality control and quality assurance program.

1. The identity of the analytical parameters will be specified in the Plan to be submitted by Collis, will be reviewed by EPA and must be approved by EPA.

2. Phase II

During Phase II, the hydrogeologic assessment made during Phase I will be used to determine the necessity of additional shallow groundwater monitoring wells and to determine the need for installation of deeper groundwater monitoring wells. Upon determination by EPA, the following activities described in Sections A.2.a through A.2.g and other activities may be required during Phase II:

a. Submission of Phase II Plan to EPA by Collis within sixty (60) days of written notice to Collis by EPA of the necessity for the Phase II Plan.

b. Continued monitoring of groundwater monitoring wells installed during Phase I.

c. Installation of additional shallow groundwater monitoring wells to more completely describe the dimensions and movement of contaminated shallow groundwater;

d. Installation of deeper groundwater wells into bedrock if the deeper groundwater is determined by the hydrogeologic assessment to be at risk of contamination from wastes disposed by Collis. If deeper groundwater monitoring wells do need to be constructed, the plan to be submitted by Collis under Phase II must specify the following:

- (1) Purpose of the monitoring wells;
- (2) Rationale for selection of well locations and nesting of wells if necessary;
- (3) Drilling methods to be used;
- (4) Decontamination procedures;
- (5) Screen materials, including screen slot size and length;
- (6) Casing and backfill material;
- (7) Methods used to prevent contamination of the aquifer(s);
- (8) Well survey to establish the well elevations; and
- (9) Method for measuring the groundwater level and determining the water level elevation.

e. Groundwater samples collected during Phase II must conform to protocols established for Phase I.

f. Surface water and creek sediment sampling during Phase I will be confined to Manufacturer's Ditch. The analytical data on surface water and creek sediment samples collected during Phase I will be reviewed to determine whether the sampling of Manufacturer's Ditch shall be continued during Phase II and expanded into Mill Creek. Upon determination by EPA, surface water and sediment samples may need to be collected from Manufacturer's Ditch and Mill Creek during Phase II. The protocols for Phase II shall conform to those established for the locations, rationale and procedures for the collection of surface water and sediment samples during Phase I.

g. The sampling and analytical protocols specified in Phase I (A-1-a through A-1-l) are also required during Phase II.

3. General Requirements

In addition to the above mentioned specific requirements for the various phases, each plan should also address the following general requirements:

- a. Each plan should specify an expeditious and reasonable schedule for the implementation and completion of its various components.
- b. Each plan should provide for periodic reports to EPA on the progress of the monitoring work.
- c. Each plan shall specify the precautions which will be taken to insure the health and welfare of the individuals associated with this project.
- d. The environmental monitoring initiated during Phase I and II at the site may need to be continued on a long term basis in order to determine, define and evaluate any health and environmental hazards which may be related to the site. The necessity for long term environmental monitoring will be determined following review of Phase I and II data.

B. PLAN REVIEW AND APPROVAL PROCESS

1. Within 30 days of EPA's receipt of the Collis plan for Phase I, and/or Phase II, EPA shall review the plan and notify Collis in writing of its approval or disapproval.
2. Upon written approval of the Plan by EPA, Collis shall within 30 days initiate work according to the approved monitoring plan.
3. In the event of EPA disapproval of the plan in whole or in part, EPA shall note in writing the specific deficiencies in the plan and the reasons therefore and shall send this notice to the Collis representative as designated in Section F.1.
4. Within 30 days of receipt of a notice of disapproval, Collis shall modify the plan to correct the deficiencies and shall submit the revised plan to EPA for review and written approval.
5. Should Collis take exception to all or part of EPA's disapproval, Collis shall submit to EPA in writing the statement of the grounds for such exception. Representatives of EPA and Collis shall then confer

by telephone or in person in an attempt to resolve any disagreement. At such conference, a resolution shall be reached with regard to each area of disagreement and shall be reduced to writing and signed by representatives of each party. Any such resolutions shall be attached to this Order and shall be deemed to modify this Order to the extent of any inconsistency therewith.

6. In the event the parties cannot resolve their disagreement, this Order is deemed to be a final Order for purposes of its enforcement pursuant to §3013(e) of RCRA, 42 U.S.C. 6934.

7. Upon written approval of each plan as originally proposed or as amended pursuant to conference, Collis shall proceed to carry out the plan in accordance with the timetable(s) specified therein.

8. Within 30 days after completion of all work specified in each plan, Collis shall submit to EPA an accurate report of its findings, including copies of the results of all analysis of soil and groundwater samples and copies of the hydrogeologic assessment.

9. EPA shall notify Collis in writing in an expeditious manner of the necessity for the Phase II Plan.

C. ACCESS TO THIRD PARTY PROPERTY

It is the responsibility of Collis to secure the permission necessary to obtain access to and use of any off-site areas. Collis shall ~~assume full responsibility for any claims arising from the activities conducted by Collis or its representatives on third-party property in connection with this Order.~~

D. SITE AND INFORMATION ACCESS; CONFIDENTIALITY

Collis shall provide access to the site to EPA employees and to EPA contractors and consultants at reasonable times and shall permit such persons to be present and move freely in the area where any work is being conducted at all times when work is being conducted pursuant to this Order. Collis shall provide EPA with copies of all charts, maps, letters, memoranda, invoices, shipping manifests or other records or documents considered by EPA to be relevant to the subject matter of this Order. Any information requested pursuant to this Order must be provided notwithstanding its possible characterization as confidential business information. However, Collis may request at the time of submitting information pursuant to this Order that such information be treated as confidential business information, and if such a request is made, EPA shall process such a request in accordance with the provisions of 40 C.F.R., Part 2 Subpart B.

E. SAMPLE SPLITTING

Upon request, Collis shall provide EPA with a split of all samples taken pursuant to this Order.

F. EXCHANGE OF INFORMATION

1. Whenever under the terms of this Order, notice is required to be given by one party to another, it shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice in writing to the other parties of another individual designated to receive such communication:

Collis: Mr. Robert Bell
General Manager
Collis Division
Chamberlain Manufacturing Corporation
2009 South 19th Street
Clinton, Iowa 52732

EPA: Cheryle Micinski
Attorney, Office of Regional Counsel
324 East 11th Street
Kansas City, Missouri 64106

and

Dave Crawford
Waste Management Branch
324 East 11th Street
Kansas City, Missouri 64106

2. Routine communications concerning the plan, reports, or any aspects of this Order may be exchanged by phone between the parties to facilitate the work required by this Order, but no verbal communication shall in any way alter or amend the provisions of this Order.

G. COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS

All actions undertaken pursuant to this Order by Collis or its duly authorized representatives shall be done in accordance with all applicable federal, state and local statutes and regulations, including the statutes and regulations of the United States Occupational Safety and Health Administration.

H. Failure to comply with the terms of this Order may result in the assessment of a civil penalty of up to \$5,000 per day for each day during which failure or refusal occurs.

I. MISCELLANEOUS

1. The provisions of this Order shall be binding upon the employees, agents, successors and assigns of the parties hereto.

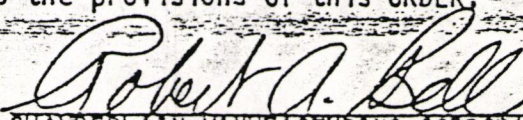
2. The parties hereto may at any time by mutual agreement modify this Order in any way. Any such modification shall be in writing and shall be signed and executed by representatives of each party and shall become a part of this Order.

3. Nothing contained herein shall be construed to prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate or necessary with respect to the Collis site, or from requiring future activities at the Collis site, pursuant to RCRA 42 U.S.C. §6901 et seq. or other applicable law.

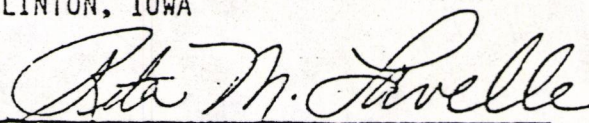
4. This Order shall become effective upon receipt by Collis of a copy signed by both parties.

Having fully reviewed the foregoing FINDINGS and ORDER, the United States Environmental Protection Agency and Chamberlain Manufacturing Corporation, Collis Division, do hereby consent to the provisions of this ORDER.

November 17, 1982
Date


CHAMBERLAIN MANUFACTURING CORPORATION
COLLIS DIVISION
CLINTON, IOWA

11/24/83
Date


U.S. ENVIRONMENTAL PROTECTION AGENCY